

ZONING

TITLE 3
GENERAL RULES FOR USE, BULK, AND OTHER REGULATIONS

SUBTITLE 1. USE REGULATIONS

§ 3-101. Nature and scope.

Use regulations are those provisions of this article that:

- (1) identify and enumerate permitted, conditional, additional industrial, and accessory uses;
- (2) impose use limitations; and
- (3) require adherence, when applicable, to performance standards.

§ 3-102. Permitted uses.

(a) *Nature of use.*

A permitted use is a use that lawfully may be established in a particular district, as long as it conforms with all requirements and regulations for the district in which the use is located.

(b) *Applicability to district.*

Permitted uses for a district are as specified in this article for that district.

(c) *Major categories limited to itemized uses.*

Wherever a major category that lists specific uses is named as a permitted use for a district, only the specific uses listed are permitted uses.

§ 3-103. Conditional uses.

(a) *Nature of use.*

A conditional use is a use that:

- (1) may be authorized by the Board or by ordinance as a special exception under State Code Article 66B; and
- (2) is subject to review and approval and to the imposition of conditions and restrictions under the provisions of this article.

(b) *Applicability to district.*

Conditional uses for a district are as specified in this article for that district.

(c) *Major categories limited to itemized uses.*

Wherever a major category that lists specific uses is named as a conditional use for a district, only the specific uses listed are conditional uses.

§ 3-104. Additional industrial uses.

An additional industrial use is a use ordinarily relegated to an M-3 District that:

- (1) may be authorized by the Zoning Administrator in an M-2 District; and
- (2) is subject to review and approval and to the imposition of conditions and restrictions under the provisions of this article.

§ 3-105. Accessory uses.

An accessory use is a use that meets the criteria specified in §1-102 {“Accessory use or structure”} of this article.

§ 3-106. Prohibited uses — in general.

Any use that is not expressly allowed in a district is prohibited.

§ 3-107. Prohibited uses — storage, etc., of vehicles.

(a) *Definitions.*

(1) *In general.*

In this section, the following terms have the meanings indicated.

(2) *Derelict vehicle.*

“Derelict vehicle” means a vehicle that exhibits a defect, damage, or deterioration sufficient to preclude proper operation on the highway.

(3) *Unlicensed vehicle.*

“Unlicensed vehicle” means:

- (i) an unregistered vehicle; or
- (ii) a vehicle on which current registration tags are not displayed.

(b) *Prohibited uses.*

(1) *Indoor or outdoor storage, etc.*

The indoor or outdoor storage or maintenance of abandoned, junked, or derelict vehicles is

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prohibited in all:

- (i) Business Districts;
- (ii) M-1 and M-2 Districts; and
- (iii) Public Use Districts.

(2) *Outdoor storage, etc.*

The outdoor storage or maintenance of abandoned, unlicensed, junked, or derelict vehicles is prohibited in all:

- (i) Residence Districts;
- (ii) Office-Residence Districts; and
- (iii) Flood Plain Overlay Districts.

(3) *Outdoor facilities for storage, etc.*

Outdoor facilities for the storage, maintenance, or dismantling of abandoned, unlicensed, junked, or derelict vehicles are prohibited within the Buffer of the Critical Area Overlay District.

§ 3-108. {Reserved}

§ 3-109. Specific use governs.

A use set forth specifically governs in the interpretation and application of a use that is set forth both specifically and in a general category.

§ 3-110. Utility and government uses permitted.

The following uses are allowed in all districts, subject to the provisions of Title 8 {“Overlay Districts”} of this article governing these uses in overlay districts:

- (1) overhead electric distribution and telephone lines;
- (2) underground utility lines and distributing equipment;
- (3) conduits, vaults, pipeline laterals, and mains;
- (4) traffic signals;
- (5) sanitary landfills that are operated and controlled by the Baltimore City Department of Public Works and for which the permit has been approved by the Mayor and City Council of Baltimore by ordinance or resolution;

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- (6) telephone booths and pedestals; and
- (7) similar installations and equipment or accessories of a public utility or governmental service.

SUBTITLE 2. BULK REGULATIONS

§ 3-201. Nature and scope.

(a) *Nature.*

Bulk regulations are the provisions of this article that control:

- (1) the size of structures; and
- (2) the relationships of structures:
 - (i) to each other;
 - (ii) to open areas; and
 - (iii) to lot lines.

(b) *Scope.*

The bulk regulations of this article govern:

- (1) maximum height;
- (2) maximum lot coverage;
- (3) minimum lot area;
- (4) minimum size of yards; and
- (5) maximum floor area ratio.

§ 3-202. Compliance required.

(a) *New construction.*

No structure may be erected except in accordance with the bulk regulations prescribed for the district in which the structure is located or proposed to be located.

(b) *Yards and open spaces.*

No structure may be expanded, altered, or moved so as to reduce the yards and open spaces prescribed for the district in which the structure is located or the expansion, alteration, or movement is proposed to be located.

(c) *Number of families — structure design.*

No structure may be erected, expanded, or altered if the structure, as proposed to be erected,

expanded, or altered is arranged, intended, or designed to be occupied by more than the number of families permitted by the bulk regulations prescribed for the district in which the structure, expansion, or alteration is located or proposed to be located.

(d) *Number of families — occupancy.*

No structure may be occupied by more than the number of families permitted by the bulk regulations prescribed for the district in which the structure is located.

§ 3-203. Continued conformity required.

(a) *In general.*

The maintenance of required yards, other open space, and minimum lot area for a structure is a continuing obligation of the owner of the structure and of the owner of the property on which the structure is located, as long as the structure exists.

(b) *Single-structure allocations required.*

No required yard, other open space, or minimum lot area allocated to a structure may, by virtue of a change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other structure.

(c) *Yards, etc., to be on same lot as structure.*

All yards and other open spaces allocated to a structure must be located on the same lot as the structure.

(d) *Division or subdivision of lot.*

No lot may be divided or subdivided in a way that would violate any provision of this article applicable to the original lot or to the resulting lots.

§ 3-204. Open spaces under Urban Renewal Plan.

Any part of a lot that has been dedicated to or acquired by the City for the purpose of providing open space areas under an approved Urban Renewal Plan is included in the lot for purposes of determining:

- (1) the number of families that may be housed on the lot;
- (2) the percentage of lot coverage; and
- (3) the required depths of front, rear, and side yards.

§ 3-205. Major highway dedications.

(a) *In general.*

Subject to the requirements and limitations of this section, if the owner of a lot gives or dedicates

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to the Mayor and City Council of Baltimore any land for the purpose of establishing, extending, or widening a street abutting that lot, the area of the land so given or dedicated may be added to the lot area used to compute the maximum number of dwelling units that, under the bulk regulations of this article, are permitted on that lot.

(b) *Requirements.*

To qualify for this added area:

- (1) the street to be established, extended, or widened must be a major street, arterial street, or expressway, as shown on the Master Plan; and
- (2) the land given or dedicated must have been:
 - (i) designated for this purpose on an approved subdivision plat or builders' location plat;
 - (ii) certified by the Planning Commission as essential to overall community planning and not for the sole benefit of any one individual; and
 - (iii) given or dedicated to the City at the request of the Planning Commission.

(c) *Limitation.*

The permitted density of the lot, as computed under this section, may not exceed 120% of the density that otherwise would be allowed for that lot.

§ 3-206. {Reserved}

§ 3-207. Yards adjoining alleys.

(a) *Scope of section.*

This section does not apply in an R-1A or R-1B District.

(b) *Side yard measurement.*

If the side yard of a dwelling adjoins an alley, ¼ of the width of the alley may be included as part of the required side yard.

(c) *Rear yard measurement.*

If the rear yard of a dwelling adjoins an alley, ¼ of the width of the alley may be included as part of the required rear yard.

§ 3-208. Rear yard reduction.

(a) *In general.*

For a lot that is less than 100 feet deep, the depth of a rear yard required for a dwelling may be reduced 1% for each 1 foot that the lot is less than 100 feet deep, subject to the limitations and requirements of this section.

(b) *Maximum reduction.*

A reduction under this section may not exceed the following:

- (1) in the case of an existing detached or semidetached dwelling that is located in a business district, $\frac{1}{4}$ of the required depth; and
- (2) in all other cases, $\frac{1}{4}$ of the required depth.

(c) *Compliance with other regulations.*

A reduction may only be taken under this section if all other bulk regulations are complied with.

§ 3-209. Projections and obstructions into required yards.

(a) *In general.*

Except for the specified projections and obstructions listed in this section, every part of a required yard or of any other required open space must be open and unobstructed from the ground to the sky.

(b) *How measured.*

Unless otherwise noted, the distance of a projection is measured, on a horizontal plane, from the wall of the structure to which the projection is attached.

(c) *Permitted projections and obstructions.*

| | <i>Front and other yards adjoining streets</i> | <i>Interior side yards</i> | <i>Rear yards</i> |
|---|--|--------------------------------|-----------------------|
| (1) Air conditioning units — no less than 3 feet from any lot line | | — | — |
| (2) Arbors or trellises, attached to principal structure — no more than 3 ft. | — | — | — |
| (2) Arbors or trellises, free-standing | | | — |
| (4) Awnings or canopies for a window, porch, or door — no more than 3 ft. | — | — | — |
| (5) Balconies, open — no more than 3 ft. | — | | — |
| (6) Chimneys — no more than 2 ft. | — | — | — |
| (7) Cornices, eaves, belt courses, sills, 1-story | | | |

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| bay windows, and similar architectural features — no more than 2 ft. | — | — | — |
| (8) Fallout or bomb shelters — as long as: (i) any above-grade portion of a shelter constructed under this provision (except a hatch, air vent, or filter) is situated entirely beneath a porch or other structure that is itself permitted by this section; (ii) no portion of any fallout or bomb shelter constructed under this provision, whether above or below grade, is situated within 3 ft. of any lot line; and (iii) all fallout or bomb shelter hatches are no more than 18 in. above grade and all fallout shelter air vents and filters are no more than 6 ft. above grade | — | — | — |
| (9) Fences and walls — no more than 3½ ft. high | — | | |
| (10) Fences and walls — no more than 6 ft. high | | — | — |
| (11) Fire escapes or fire towers, open and enclosed — no more than 6 ft. | — | | |
| (12) Flagpoles | — | — | — |
| (13) Garages, detached | | | — |
| (14) Lawn furniture — such as benches, sun dials, and bird baths | — | — | — |
| (15) Microwave antennas (satellite dishes) — no less than 5 ft. from any lot line and no less than 10 ft. from the nearest door or window of a principal use | | | — |
| (16) Open off-street loading spaces | | — | — |
| (17) Open off-street parking spaces | | — | — |
| (18) Ornamental light standards — not over 6 ft. high and situated no less than 5 ft. from any lot line | — | — | — |
| (19) Playground and laundry-drying equipment | | | — |
| (20) Playhouses and outdoor fireplaces | | | — |
| (21) Porches, open, with or without roof, not more than 1 story high — no more than 8 ft. | — | | |
| (22) Porches, open, with or without roof — no more than 8 ft. | | | — |
| (23) Signs and nameplates — as regulated in this article | — | — | — |
| (24) Steps, open | — | — | — |
| (25) Swimming pools and tennis courts | | | — |

| | | | |
|--|---|---|---|
| (26) Terraces and patios, open | — | — | — |
| (27) Tool houses and similar structures for the storage of accessory supplies | | | — |
| (28) Trees, shrubs, and other plants | — | — | — |

§ 3-210. Lot coverage computation.

In computing the percentage of lot area covered by a structure, the area of the maximum horizontal plane of the entire structure is used, except for those portions specified in § 3-209 {“Projections ... into required yards”} of this subtitle as being permitted to project into required yards.

§ 3-211. Minimum acreage for certain multiple-family developments.

Notwithstanding any other provision of this article, no multiple-family development of 3 or more units may be constructed in R-2, R-4, or R-5 Residence Districts on a lot that is less than 1 acre.

§ 3-212. Height limitation in vicinity of Washington Monument

Nothing in this article in any way affects the requirements of Chapter 42, Laws of Maryland 1904, which states:

“[F]rom and after [March 15, 1904], no building, except churches, shall be erected or altered in the City of Baltimore on the territory bounded by the south side of Madison street, the west side of St. Paul street, the north side of Centre street, and the east side of Cathedral street, to exceed in height a point seventy feet above the surface of the street at the base line of the Washington Monument.”

§ 3-213. General height exemptions.

The height regulations of this article do not apply to the following:

- (1) belfries, chimneys, cupolas, domes, grain elevators, fire escapes, flag poles, flues, minarets, monuments, spires, stacks, steeples, ventilators, and utility poles;
- (2) water towers or tanks other than those located on the roof of a structure;
- (3) bulkheads, cooling towers, elevator enclosures, monitors, elevator or stairway penthouses, skylights, stage towers and water tanks, and air conditioning units — as long as these structures do not occupy more than 25% in the aggregate of the area of the roof of the structure on which they are located;
- (4) towers for any permitted or accessory use — as long as these towers:
 - (i) do not occupy more than 25 % in the aggregate of the lot coverage of the structure on which they are located;
 - (ii) do not extend more than 15 feet above any applicable height limit; and
 - (iii) do not exceed the maximum floor area ratio permitted in the district in which they are located; and

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- (5) parapet walls — as long as these walls do not exceed the height necessary to screen the mechanical equipment listed in item (3) of this section.

SUBTITLE 3. OTHER REGULATIONS

§ 3-301. Number of structures on a lot.

(a) In general.

Except in a planned unit development or as authorized in subsection (b) of this section:

- (1) no more than 1 principal detached structure may be located on:
 - (i) any residential lot; or
 - (ii) any office-residential, business, or industrial lot that is adjacent to a residential lot; and
- (2) no principal detached structure or any other free-standing structure may be located, with any other principal structure, on the same:
 - (i) residential lot, except as specified in § 3-209 {“Projections ... into required yards”} or § 3-304 {“Accessory uses and accessory structures”} of this title; or
 - (ii) office-residential, business, or industrial lot that is adjacent to a residential lot.

(b) Exceptions.

Notwithstanding subsection (a) of this section, the Zoning Administrator must approve construction of more than 1 principal detached structure or other free-standing structure on a residential lot or on an office-residential, business, or industrial lot adjacent to a residential lot if, in a specific case:

- (1) the development otherwise would conform to the requirements of this article; and
- (2) the Planning Commission approves the design of the development.

§ 3-302. Frontage of structures.

(a) In general.

Except as specified in subsection (b) of this section, the physical front or main entrance of a structure erected on a lot need not face the front lot line, as long as all applicable bulk regulations are met.

(b) Exceptions.

Subsection (a) of this section does not apply to any multiple-family dwelling that:

- (1) is in an R-2, R-4, R-5, or R-6 Residence District;

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- (2) contains 3 or more units; and
- (3) is located on a lot of less than 2 acres.

(c) *Corner lots.*

Subject to the requirements of this section, the owner of a street corner lot may select either street lot line as the front lot line.

§ 3-303. Minimum dwelling width.

(a) *In general — 16 feet.*

- (1) Except as otherwise specified in this section, a person may not erect any new residential structure that is less than 16 feet wide.
- (2) This subsection does not prevent or restrict an otherwise lawful expansion of a lawful preexisting residential structure that already is less than 16 feet wide.

(b) *Exception — 12 feet between adjoining dwellings.*

A dwelling that is at least 12 feet wide may be placed, constructed, or reconstructed between 2 existing dwellings that would adjoin it, if:

- (1) the dwelling is in a developed block;
- (2) more than 50% of the dwellings in that block are found by the Department of Housing and Community Development to be in substantially sound condition; and
- (3) the use would conform to the Master Plan.

(c) *Exception — 14 feet in Renewal Project Areas.*

With the approval of the Planning Commission, a dwelling that is at least 14 feet wide may be erected in an area that has been designated as a Renewal Project Area under City Code Article 13, §§ 20 through 33.

§ 3-304. Accessory uses and accessory structures.

(a) *To be located on same lot as principal structure.*

- (1) Except as specified in paragraph (2) of this subsection, an accessory use or accessory structure must be limited to and located on the same lot with the use of the structure to which it is accessory.
- (2) Accessory parking spaces may be permitted on another lot in accordance with § 10-303 {“Location of facilities— exception for PUDs”} or § 10-304 {“Location of facilities — ... common control”} of this article.

(b) *Effect of attachment to principal structure.*

If an accessory structure is attached to a principal structure by any wall or roof construction:

- (1) it is considered to be a part of the principal structure; and
- (2) it must comply in all respects with the requirements of this article that apply to a principal structure.

(c) *Percentage of required rear yard.*

No detached accessory structure or structures may occupy more than 50% of the area of a required rear yard.

(d) *Time of construction.*

No accessory building may be erected on any lot before construction of the principal structure to which it is accessory.

(e) *Accessory garage.*

- (1) Notwithstanding the other bulk regulations of this article, an accessory garage may be erected in the rear yard of any lot on which there is a principal structure, if the garage:
 - (i) accommodates no more than 1 vehicle; and
 - (ii) is no larger than 240 square feet.
- (2) No accessory garage may be used for body repair, painting, or engine rebuilding.

§ 3-305. Conversion of single- or two-family dwellings.

(a) *Prohibited conversions.*

- (1) Except as otherwise specified in this section, in all districts:
 - (i) no building used as a single-family dwelling may be altered or changed to be used for occupancy by more than 1 family; and
 - (ii) no building used as a two-family dwelling may be altered or changed to be used for occupancy by more than 2 families.
- (2) For purposes of this subsection, an empty building is considered to be a single-family dwelling unless it was last lawfully used, in compliance with the normal bulk requirements of the district in which it is located, as a dwelling for 2 or more families.

(b) *Conditional use conversion — authorized.*

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- (1) In all districts except the R-2, R-4, R-5, and R-6 Districts, the Board may authorize, as a conditional use, the conversion of a building for use by more than 1 family, as long as the number of families permitted conforms with the applicable bulk regulations for the district in which the building is located.
 - (2) When authorizing a conversion, the Board may impose conditions and restrictions under § 14-103 that include a limit on the number of occupants, in accordance with Housing Code space and occupancy limits.
 - (3)
 - (i) In the R-7 and R-8 Districts, the Board may approve the conversion of a single-family dwelling to a 2-family dwelling only if the property meets the minimum lot size requirements.
 - (ii) The Board may waive the requirements of item (i) of this paragraph (3) for carriage houses, nonconforming uses, and vacant buildings.
- (c) *Conditional use conversion — procedures.*
- (1) In addition to the requirements of Title 14 {“Conditional Uses”} of this article, the following procedures apply to a conditional use requested under this section.
 - (2) When the application is filed, the applicant must submit to the Department of Housing and Community Development and the Department of Planning plats and construction and floor plans adequate for the Department’s review.
 - (3) The Department of Housing and Community Development must submit to the Board a written advisory recommendation. However, the Board may proceed without that recommendation if the Department fails to submit it within 3 weeks of the date the Department received the plats and plans.
 - (4) The Department of Planning must submit to the Board a written advisory recommendation on the effect of the proposed conversion on the neighborhood. However, the Board may proceed without that recommendation if the Department fails to submit it within 3 weeks of the date the Board asked for it.

§ 3-306. Preexisting uses, structures, and lots.

- (a) *Unlawful preexisting uses and structures.*

Any structure or use that is unlawfully existing:

- (1) does not become lawful solely by the adoption of this article or any amendment to it; and
- (2) to any extent or manner that the unlawful structure or use is in conflict with the requirements of this article, that structure or use remains unlawful.

- (b) *Lawful preexisting uses reclassified as conditional.*

(1) If an existing lawful use is reclassified by this article as a conditional use in the district in which it is located, the use may be continued as a lawful conditional use subject to the conditions and restrictions previously imposed on it by law or regulation.

(2) Any change to that use, including any expansion, relocation, or structural alteration, is subject to the procedures and requirements imposed by this article on conditional uses.

(c) *Nonconforming uses.*

If an existing lawful use is reclassified by this article or by any amendment to it so that it no longer is allowed in the district in which it is located, the use may be continued as a nonconforming use subject to the provisions of Title 13 {“Nonconformance”} of this article.

(d) *Preexisting lot of record.*

(1) This subsection does not apply in an Industrial District.

(2) On a lot that was established before April 20, 1971, a single-family dwelling may be established regardless of the minimum lot area requirements imposed by this article, as long as all other requirements of this article are met.

§ 3-307. Property divided by zoning district line.

Where a lot is divided into 2 or more parts by a zoning district line:

(1) for all purposes except density, each part must comply with all of the regulations applicable to its zoning classification; and

(2) for density purposes, the lot area computation of each part may be totaled and then distributed throughout the lot, without regard to the zoning lines.

§ 3-308. Off-street parking.

Off-street parking spaces must be provided in accordance with Title 10 {“Off-Street Parking Regulations”} of this article.

§ 3-309. Signs.

Signs are allowed only in accordance with Title 11 {“Sign Regulations”} of this article.

§ 3-310. Public use.

Amendments involving publicly owned property held for a governmental use must comply with Title 16 {“Legislative Authorizations and Amendments”} of this article.